

**MONTANA ARMY NATIONAL GUARD (MTARNG) WITHDRAWAL
AT LIMESTONE HILLS TRAINING AREA**

PURPOSE OF THE BRIEFING DOCUMENT:

The Army Corps of Engineers (COE) has filed a partial application on behalf of the MTARNG and the Department of Defense/Army (DOA) to withdraw and segregate from mineral entry approximately 20,000 acres of BLM-administered land about three miles west of the Missouri River near Townsend in Broadwater County, Mont.

ISSUES:

The MTARNG has performed training exercises at the Limestone Hills since the 1950s under special land use permits (SLUPs) until 1984 when a 30-year right-of-way (ROW) was issued to authorize the use. Eighty-eight percent of the range is administered by the BLM, with the remainder under state and private ownership. Live fire training at the range has included helicopter, tank, artillery, mortar and Bradley infantry vehicle gunnery. The types of weaponry ranged from small arms to 155 mm artillery, all of which have been fired into the impact area. Military training over the years has resulted in unexploded ordnance (UXO) contamination, particularly within the interior 5,000-acre impact area, though UXO has also been recovered outside that area. In 1993, COE experts determined that the area south of the 2.75-inch rocket safety fan was "widely contaminated" with UXO. Based on BLM policy, the Butte Field Office (BFO) implemented an emergency closure on the impact area. The MTARNG was advised that its ROW for the range would not be renewed upon expiration in 2014, and the only way to assure continued use of the area was through a withdrawal.

Continental Lime (now Graymont Western) filed mining claims on public lands within the ROW area in the early 1980s and was permitted by BLM to operate a limestone mine at the north end of the range in 1981. In 1992 and again in 1995, Graymont filed mining plan amendments resulting in an approved expansion of its operations further into the rocket firing fan area. In a memorandum of agreement (MOA) developed in February 2005, the MTARNG agreed to clear UXO from the expansion area so that Graymont could continue to mining under the current safety plan. The safety plan has been approved by the Department of Defense Explosives Safety Bureau (DDESB). The DDESB must release the area for mining before the BLM can authorize exploration. Graymont filed 36 additional claims in September 2003, and in early 2006 filed a plan of operations to expand farther south into the training range. Graymont has contracted with Geomatrix to complete the EIS for the expansion, with review oversight falling to BLM and Montana Department of Environmental Quality. The Graymont draft EIS is scheduled to be released for public comment in late fall 2008. Graymont is concerned that the current rate of UXO clearance may not meet its mining needs, and that the MOA in place may not address current issues in the area.

The proposed withdrawal would result in a BLM to DOA transfer of administration with ultimate land management falling to the MTARNG (state agency) by lease from the COE. The Montana State Historic Preservation Office (MTSHPO) has raised concerns about how Sec. 106 consultation will occur under state management. The BLM has recommended that the MTARNG agree to enter into a programmatic agreement with MTSHPO to address those concerns.

MAIN DECISION OR MESSAGE:

The project legislative environmental impact statement (LEIS) has been completed and transmitted to the BLM Montana state director for review. The notice of availability (NOA) of the final LEIS will be published in the *Federal Register* within the next 60-90 days, with no comment period. Alternative 3 has been identified as the agencies' (MTARNG and BLM) preferred alternative. Previous activities included the completion of public scoping for the LEIS, including a working group process; and the publication of a notice of proposed withdrawal in the *Federal Register* on August 7, 2007, which closes the land for up to two years from settlement, sale, location or entry under the general land laws, including the mining laws. The land will remain open to mineral leasing.

The final LEIS will likely result in BLM findings and recommendations to the BLM Director and the Secretary of the Interior. The action will require an amendment of the Headwaters RMP, but has been addressed in the BFO draft RMP revision.

BUREAU PERSPECTIVE:

Public interest is high. The withdrawal would affect county PILT payments, current and future mining operations, and recreationists/hunters, and could impact several grazing allotments depending on how the management plan for the firing range is structured after the EIS is completed. There is also potential for the validity of some of the mining claims to be affected by the withdrawal.

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